

### **III. REMARKS**

Claims 1, 4-9 and 12-20 remain pending. Applicants do not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

Claims 1, 4-5, 9, 12-13 and 17-18 have been rejected under 35 USC § 103(a) as being unpatentable over Davallou (US Pub. 2002/0156776), hereinafter “Davallou”, in view of Brill et al. (US Pub. 2004/0254920), hereinafter “Brill”. Claims 6-8, 14-16 and 19-20 have been rejected under 35 USC § 103(a) as being unpatentable over Davallou in view of Brill further in view of Whitman et al. (US Pat. 6,772,150), hereinafter “Whitman”. Applicants respectfully traverse this rejection.

Applicants have submitted a Declaration under 37 C.F.R. § 1.131, signed by all the inventors, which states the invention in the present application was conceived of prior to the Brill reference, and diligently worked on until filing the present application. As Brill is no longer available as a reference, Applicants request removal of the rejection of claims 1, 4-5, 9, 12-13 and 17-18 under 35 USC § 103(a) over Davallou in view of Brill. Further, Applicants request removal of the rejection of claims 16-8, 14-16 and 19-20 under 35 USC § 103(a) over Davallou in view of Brill and further in view of Whitman.

A previous declaration was submitted which contained an incorrect date. It is believed that the new declaration removes Brill as a reference.



Applicants respectfully submit that the application is in condition for allowance. If the Examiner believes that anything further is necessary to place the application in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

/Carl F. Ruoff/

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